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THE LABOR MARKET FOR EX-OFFENDERS IN LOS ANGELES: PROBLEMS, CHALLENGES, AND PUBLIC POLICY

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One of the dramatic social transformations in the U.S. over the past two decades has been the rapid rise in the prison population. Between 1980 and 2000, the U.S. prison population increased four-fold from 300,000 to over 1.2 million. And, including those in local jails, over 2 million individuals are currently incarcerated. At these rates, the Bureau of Justice Statistics (BJS) estimates that approximately 9 percent of all men will serve some time in state or federal prisons. Moreover, for certain sub-groups of the population, the proportion that is likely to serve time is quite large. For example, nearly 30 percent of African-American men and 16 percent of Hispanic men will serve prison sentence at some point in their lives (U.S. Bureau of Justice Statistics 1997). Given that the median time served for prisoners released during the late 1990s was less than two years, this suggests that a large minority of non-institutionalized men have served time in state or federal prisons.

The trends in incarceration are especially pronounced for California, and within California, for Los Angeles in particular. California houses a disproportionate share of the nation's recently released prisoners. In 2001, about 23 percent of the nation's approximately 600,000 recently-released prisoners resided in California, in contrast to a state population equal to 11 to 12 percent of the nation's. Moreover, of the approximately 140,000 released prisoners in California in 2001, a disproportionate share of these – nearly 34 percent – returned to Los Angeles County (which houses about 28 percent of the state's population).¹ Finally, within metropolitan areas, ex-offenders typically locate in select neighborhoods, usually those that are poor with heavy minority populations (Lynch and Sabol, 2001; Rose and Clear, 1998).

No doubt, the successful reintegration of this growing ex-offender population is a key policy concern since failed attempts at reintegration are likely to be costly both in terms of increased stress on limited government resources and increased crime and criminal victimization in society. And employment is one major avenue to enhance the successful reintegration of this group.

But there are several reasons to suspect that serving time in prison may reduce ex-offenders' future employment prospects. Of course, ex-offenders' low education, poor cognitive skills, and other personal factors are likely to restrict employment opportunities even without their being incarcerated. Still, the incarcerated may be harmed in the labor market because they do not accumulate work experience and may experience an erosion of skills while serving time. Furthermore, any ties to legitimate employers are likely to be severed by an initial arrest and by a prison spell. From the viewpoint of employers, a criminal history record may signal an untrustworthy or otherwise problematic employee. Employers may avoid such workers due to a perceived increased propensity to break rules, steal, or harm customers.

In this chapter, we examine the labor market for ex-offenders in Los Angeles using data on a survey of employers taken in 2001. Using this data, we characterize the demand side of the labor market for ex-offenders by analyzing employer self-reported preferences with respect to applicants with criminal histories. Specifically, we seek to answer the following questions: To what extent are employers willing to hire workers with criminal backgrounds? Does this willingness to hire vary within neighborhoods characterized by where ex-offenders are likely to locate? To what extent do employers act on these preferences by investigating the criminal history records of applicants? And, do background checks among employers vary across these neighborhoods? Finally, we are interested in whether employers discriminate against those groups with high incarceration rates, such as black men, especially when employers do not regularly do background checks.

We close by offering some policy recommendations to improve the employability of this growing ex-offender population of mostly young men.

The Labor Market Demand for Ex-Offenders

Our data consist of responses from 619 establishments, and are a representative sample of firms in Los Angeles County based on firm size and industry, among others.² The main variables we focus on are indicators of employers' *prospective* willingness to hire ex-offenders and their use of criminal background checks. We ask the employer, "Do you currently have any open positions that you might consider filling with men with criminal backgrounds?"

Of course, one problem with the prospective measure of hiring is that employers may not actually do what they say they are willing to do. But our recent work in this area indicates that the correlation between employers' willingness to hire and their actual hiring of ex-offenders is quite strong (Holzer, Raphael, Stoll, 2003).

Figure 1 presents data on employers' responses to the prospective question on hiring. About 9 percent of employers indicate that they would be willing to hire an applicant with a criminal record immediately. To put this response in perspective, our survey also asked about employer responses to a similarly worded question concerning the likelihood that employers would hire another disadvantaged group, welfare recipients. In contrast, the figure shows that nearly 30 percent of employers would hire welfare recipients. Thus, the figure suggests that employer demand for ex-offenders is rather low. Indeed, compared to ex-offenders, employers are much more willing to hire other disadvantaged workers, such as those with a GED but no high school diploma, a spotty work history, or who have been unemployed for a year or more (Holzer, Raphael, and Stoll, 2003).

Our earlier work on this question also indicates that the low-level of demand for ex-offenders varies along firm characteristics, especially industry. Industries with little customer contact, namely manufacturing, construction, and transportation, are more willing to hire ex-offenders than those with such contact, such as retail trade and service (Holzer, Raphael and Stoll, Forthcoming). Similarly, employer willingness to hire ex-offenders also varies with the characteristics of the offender, especially the offense with which they were charged. Employers are strongly averse to hiring ex-offenders charged with violent offenses, and seem somewhat averse to those who are recently released from prison and without work experience.

But they are relatively more open to hiring those charged with drug or property crime offenses (Holzer, Raphael, and Stoll, 2003).

In addition to those factors mentioned above, the relative unwillingness of employers to hire ex-offenders may also be prompted by fiat or fear of litigation. Certain occupations, such as jobs with contact with children, are legally closed to individuals with felony convictions under state and, in some cases, federal law (Hahn 1991). In addition, employers may place a premium on the trustworthiness of employees, especially in jobs that require significant customer contact or the handling of cash or expensive merchandise and especially when the ability to monitor employee performance is imperfect. Finally, employers can be held legally liable for the criminal actions of their employees, and thus fear of litigation may substantially deter employers from hiring applicants with criminal history records (Holzer, Raphael, and Stoll, Forthcoming; Bushway, 1996).

The Demand for Ex-Offenders across Sub-Metropolitan Areas

The apparent limited demand for ex-offenders may be compounded by their residential location. As noted, ex-offenders typically locate in poor, heavily minority neighborhoods, and employers in these areas are likely to have more contact with ex-offenders than elsewhere. On the one hand, employer demand for ex-offenders may be lower in these areas either because of negative experiences they may have had with ex-offenders or because labor needs are lower there than elsewhere (because of sluggish economies in these neighborhoods). On the other hand, such demand could be higher if employers' experiences with them were positive.

Figure 2 shows the percentage of employers that would hire an ex-offender in sub-metropolitan areas of Los Angeles characterized by racial concentration.³ These areas were created using 2000 *Census* data at the census tract level for people (ages 20 to 65) and indicate contiguous areas where a certain racial group is either in the majority or plurality within the central city and suburbs. The black and Latino central city areas overlap almost completely with the high poverty neighborhoods in Los Angeles.

Figure 2 shows that employer demand for ex-offenders is much lower in the central city than suburbs. But it is especially weak in areas where ex-offenders are likely to locate. In the black central city, only about 4 percent of employers indicate that they would hire an ex-offender immediately, and only 5 percent in the Latino central city. These percentages are nearly 6 percentage points lower than in the white suburbs, the area with the highest demand.

The problem of lower demand for ex-offenders in neighborhoods where ex-offenders are heavily concentrated is also likely to be compounded by the limited job availability in these areas (relative to the other areas). Table 1 shows the spatial distributions of recently filled jobs (all jobs that do not require a college degree and all low-skill jobs) and people (ages 20 to 65) across these sub-metropolitan areas in Los Angeles.⁴ The jobs data come from our 2001 Los Angeles Employer Survey described earlier and the people data come from the 2000 *Census*. The jobs data represent the universe of employment opportunities that do not require a college degree facing job seekers in Los Angeles.

Table 1 shows that the spatial imbalance between people and jobs is greatest in the central city than suburbs, as has been shown elsewhere in the spatial mismatch literature. But in areas where ex-offenders' are likely to be heavily located, the spatial imbalance is even worse, especially between low-skill jobs and less-educated people. While 4.5 percent of low-skill jobs in Los Angeles in 2001 were located in the black central city, 13.7 percent of less-educated people were located there. A similar imbalance is shown in the Latino central city. This finding contrasts sharply with the white suburbs (and other suburban areas). There, the share of jobs is much greater than the share of people (for all jobs and all people, and for low-skill jobs and less-educated people).

Thus, to the extent that ex-offenders job networks are weak and that travel costs prevent them from searching greater distances for work (i.e., in the suburbs), they are likely to search for work in or near their neighborhood of residence. But in these areas, the relative availability of employment is much lower. So, too, is employers' willingness to hire ex-offenders, making their employability that much more limited.

Employers' Use of Criminal Background Checks

How do employers know whether job applicants have criminal histories? Criminal background checks are one mechanism through which employers can access information about the criminal backgrounds of applicants. Such checks are also an alternative indirect manner of gauging employer aversion to applicants with criminal histories. To gauge employers' use of these, we ask in our survey, "How often do you check the applicant's criminal record?"

Figure 5 presents the distribution of employer responses to the question on criminal background checks. In addition, we present the distribution of these responses to the exact question asked in an earlier employer survey, with data collected in Los Angeles from 1992 to 1994.⁵ The results show that criminal background checks have risen substantially over the 1990s, perhaps because of the decreasing cost and easier access of doing such checks through the internet. Employer data for 1992 to 1994 show that approximately 32 percent of employers in the sample say that they always check, 17 percent indicate that they check sometimes, while 51 percent say they never check. The survey underlying figure 5 collected data on this question before the emergence of internet services which provide low-cost criminal background checks.⁶ By 2001, approximately 44 percent of employers in the sample say that they always check, 18 percent indicate that they check sometimes, while 38 percent say they never check.

Our earlier work on this question reports that the increase in checking has been widespread, occurring within almost all firms regardless of their industry, size, or location. That work also confirms that much of this increase in checking is being driven by use of private checking agencies (Holzer, Raphael, and Stoll, 2003). This factor raises a number of important questions, though. For instance, how accurate is the criminal history information that is increasingly being provided by private services, many of whom are internet-based? Do such services provide information on arrest, conviction or imprisonment? To the extent that they are not accurate and provide information on arrest and conviction in addition to imprisonment, there is a greater chance that such checks will end up showing both false-positive and false-negative reports on the ex-offender status of applicants, leading to sub-optimal hiring decisions by employers.

Criminal Background Checks across Sub-Metropolitan Areas

Although there is now greater certainty that criminal background checking has risen in the recent past, what is less well known is the extent to which such checking varies within metropolitan areas. Figure 4 is provided to show the percentage of employers that always check criminal backgrounds across the sub-metropolitan areas of Los Angeles (defined previously). What is immediately clear is that criminal background checking is much higher among employers in the black central city than elsewhere. Indeed, nearly 56 percent of employers in these areas always check. This result is consistent with the idea that the already low demand that exists for ex-offenders more generally is even lower still in areas where ex-offenders are likely to be heavily concentrated. Interestingly, there is very little variation in this checking across the other areas in Los Angeles, even in the Latino central city where presumably there is also a concentration of ex-offenders.

Although the reasons for the higher rate of background checking in the black central city is not yet known, there are certainly reasonable possibilities. Our earlier work indicates that employers that are more unwilling to hire ex-offenders are also more likely to check backgrounds. So, since employers in black central city areas are less willing to hire, as we noted previously, they should also be more likely to check as a behavioral response consistent with their attitudes. Relatedly, employers in this area may have more contact with ex-offenders than elsewhere and so checking by employers may be consistent with the standard way in which hiring practices are done there.

Statistical Discrimination against Black Men

To increase ex-offenders' employability, some advocates seek to suppress the information to which employers have access regarding criminal records. But it is possible that the suppression of this information to these employers will *decrease* their general willingness to hire those that employers *suspect* of being ex-offenders, such as black men.

It is well-known that rates of participation in crime and incarceration among black men are very high, as noted previously. Currently, about a million black men are incarcerated, and millions more are either ex-inmates or felons who are currently or have been on probation. What is less well known is that the high rates of crime and incarceration among black men are likely to reduce the employment prospects even of those with no criminal background themselves. This might occur because employers frequently cannot accurately distinguish between those who do and do not have criminal backgrounds, so they might tend to avoid hiring altogether those whom they *suspect* of having criminal records. As we note above, about 37 to 55 percent of employers in Los Angeles do not regularly do criminal background checks, despite the increase in these over the past decade.

Because many employers have very imperfect information on exactly which applicants engage in crime, they may become more reluctant to hire any black man because of perceived criminality amongst this group. This would be a form of *statistical discrimination*, in which employers make employment decisions based on the perceived or real characteristics of the groups to which individuals belong, when it is too costly to gain more information about the individuals themselves.

Interestingly, the more information available to employers about the criminal histories of individuals, the less likely the potential discrimination against black men in general, even if there will be greater reluctance to hire individuals with criminal records under these circumstances.

Using our employer survey, Figure 5 provides evidence on this question by showing the percent of employers who hired black men or women into their last filled job stratified by firms that always do criminal backgrounds checks and those that don't. The data show that employers that use criminal background checks are much more likely to hire black men than those that do not. This pattern is not as stark for black women, a smaller fraction of whom are ex-offenders (compared with black men) and who are arguably less likely to be perceived by employers as ex-offenders). Neither does this pattern exist for whites, Asians or Latinos (though not shown here).

This pattern occurs for black men despite the fact that they, as we noted, are overrepresented among those with ex-offender backgrounds. Given this fact, we should have expected the hiring of black men to decline with employer's use criminal background checks. Apparently, the additional information spurred by background checks lessens employer perceptions of the criminality of black men. Of course, black men's increased hiring rates at firms that do background checks could instead be caused by the fact these firms are located in black neighborhoods (as we just saw) where black application rates are likely to be much higher. But our earlier work on this question dismisses this explanation, as this relationship survives even after we control for this factor in addition to many other relevant firm characteristics. (Holzer, Raphael, and Stoll, 2002)

Conclusion and Policy Implications

The results of the analysis indicate that, as expected, employer willingness to hire ex-offenders is quite limited, especially when compared to other disadvantaged groups such as welfare recipients and the long-term jobless. But the limited labor market demand for ex-offenders is compounded by the fact that this demand is even lower still in areas where ex-offenders are likely to be heavily concentrated. In poor, heavily minority neighborhoods where ex-offenders are likely to be heavily concentrated themselves, the labor market demand for ex-offenders is much lower than in other areas such as the suburbs. To make matters worse, their potential employment prospects are additionally weakened by low levels of employment opportunities near these neighborhoods as compared to others such as the suburbs.

Criminal backgrounds checks appear to be one method that employers use to act on their aversion to hiring ex-offenders. But the use of these checks has risen quite substantially over the 1990s, suggesting that employer information about applicants' ex-offender status is rising as well. These factors are likely to further constrain ex-offenders' ability to secure employment. So, too, is the finding that background checks are much more likely to occur in poor, heavily minority areas, especially those that are predominantly black, where ex-offenders' job search is likely heavily concentrated. Interestingly, our results indicate that if California employers do not check criminal backgrounds, for reasons that we did not explore here, they are likely to discriminate in hiring against those they suspect of being ex-offenders, namely black men.

Gaining employment for ex-offenders is a key challenge of successful reentry for these mostly young men. But employers' attitudes and practices towards this group suggest that their demand for ex-offenders is quite limited. To help soften California employers' negative attitudes of ex-offenders and to increase their employability more generally, public policy should aim to:

1) Increase Skills/Work Experience Before and After Release – Providing education and training for those incarcerated, including (but not limited to) attaining GED's, can be helpful when offender ultimately are released and seek employment. Increasing their work experience while they are incarcerated should also produce payoffs. One way of doing so is to make it easier for private sector employers in California to hire prisoners while they are still incarcerated. Pre-release placement activities and planning also help smooth the transition. And subsidizing short-term “transitional jobs” for those released could be an important way of providing them with some solid work experience while indicating to employers that they are job-ready.

2) Provide More Information about Ex-Offenders – This approach should include information about the exact nature of the offense (i.e., whether it was a non-violent drug offense or something else), when it occurred, and the individual's record might help soften employers' negative attitudes of ex-offenders. Our survey data from Los Angeles indicate less employer aversion to hiring those who have only been convicted of non-violent drug offenses as opposed to violent and property crimes. To the extent that offenders may have engaged in more positive activities, including training or employment, during their time of incarceration and especially since their release, this additional information might be particularly useful in overcoming employer reluctance to hire them as well.

3) Promote Role of Labor Market Intermediaries – Intermediaries might provide important case management services to the offenders themselves, to overcome the many barriers they face in finding jobs – such as very limited skills and work experience, residence in poor neighborhoods that limit access to employers and to networks, substance abuse problems, etc. They then can reach out to employers, and try to place those ex-offenders who meet certain levels of job-readiness into appropriate jobs for them. The information that they provide to employers at this stage about the qualities of the job applicants, and their experiences since release, can be crucial. Supportive services, including transportation and post-employment counseling, can also be provided once the “match” with an employer has been made. As such, they can also help bridge the spatial gap between where ex-offenders and appropriate job opportunities are located.

In fact, a number of private non-profit organizations already play this role at the local level in many metropolitan areas including those in California. The Delancy Street Foundation in San Francisco is one well-known example that helps rehabilitate and reintegrate ex-offenders through a variety of in-house programs such as training programs for the restaurant, moving van, and automotive repair industries, to name a few. In other metro areas, well-known examples include the Safer Foundation in Chicago and the Center for Employment Opportunities in New York. America Works has also begun working with the ex-offender population. All of these organizations place a premium on maintaining good relations with and trust among employers that can only be sustained by sending carefully screened candidates who are ready to be successful employees. Some may emphasize job training or transitional employment experience

more than others, but all play an important role in providing services to ex-offenders and information to employers.

Indeed, labor market intermediaries in California might well play an important role bridging gaps between employers and disadvantaged young men more broadly, even for those who are not ex-offenders.

4) *Promote Bonding and the Work Opportunity Tax Credit (WOTC)* – Bonds are currently available at low cost to insure employers against the financial liabilities they might incur when hiring offenders. But such bonds are very underutilized by California employers at the moment, even though many employers indicate that legal liabilities are among their greatest concerns when hiring from this population. An outreach effort to increase employer awareness of them, and to make these bonds more easily available to employers, should be undertaken. The value of the bonds, currently set at \$5,000, might need to increase as well.

Similar steps could be taken to improve employer access to the Work Opportunity Tax Credit, which covers ex-offenders among other groups. However, the cost-effectiveness of these credits in raising employment for the targeted groups has not been well-established.

5) *Address Child Support and Work Incentive Issues* – Since large numbers of ex-offenders are also non-custodial fathers, efforts to link ex-offenders with “fatherhood” programs and services might be crucial here. The tendency of states to garnishee up to two-thirds of wages for men in arrears greatly reduces their incentives to accept low-wage jobs. Thus, reforms in the procedures by which child support orders are set for low-income young men in California, and forgiveness of large arrearages for those trying to keep up with their current payments, might be necessary as well.

Finally, the low wages and benefits available to many of these young men suggest that efforts to subsidize their earnings, perhaps through some extension of the federal Earned Income Tax Credit, might be useful in raising their incentives to work. One way to do so would be to expand the current EITC to non-custodial parents who are keeping up with their child support payments, or to expand payments to childless individuals more broadly.

Of course, in the absence of criminal background checks, employers are likely to discriminate against those whom they suspect of being an ex-offender, such as black men. To lessen employment discrimination against black men who have never been incarcerated, public policy should also aim to:

6) *Promote Accurate Criminal Background Checks* – As we have just shown, our more recent survey of employers in Los Angeles suggests that employers have grown more willing to engage in criminal background checks, as the internet makes it easier and cheaper to do so. If so, this could improve the employment prospects of less-skilled black men more broadly, even while it makes it more difficult for those who have truly been offenders in the recent past.

However, to the extent that employers have more information about criminal backgrounds, it is critically important that the information be accurate. This information should also be limited to conviction information, since arrests may not lead to convictions. For instance, internet providers of criminal background information to employers do not always distinguish *arrest* from *conviction* information, though only the latter should inform employer decisions; and even the conviction information might have errors.

7) *Enhance Antidiscrimination Enforcement* – Of course greater enforcement of antidiscrimination laws should be pursued as well. However, monitoring may be difficult since our research suggests that much of the statistical discrimination against black men on the basis of perceived criminality occurs in smaller firms that are exempt from EEOC regulation.

Figure 1
Percentage of Employers in Los Angeles that Would Immediately Hire
Ex-Offenders and Welfare Recipients, 2001

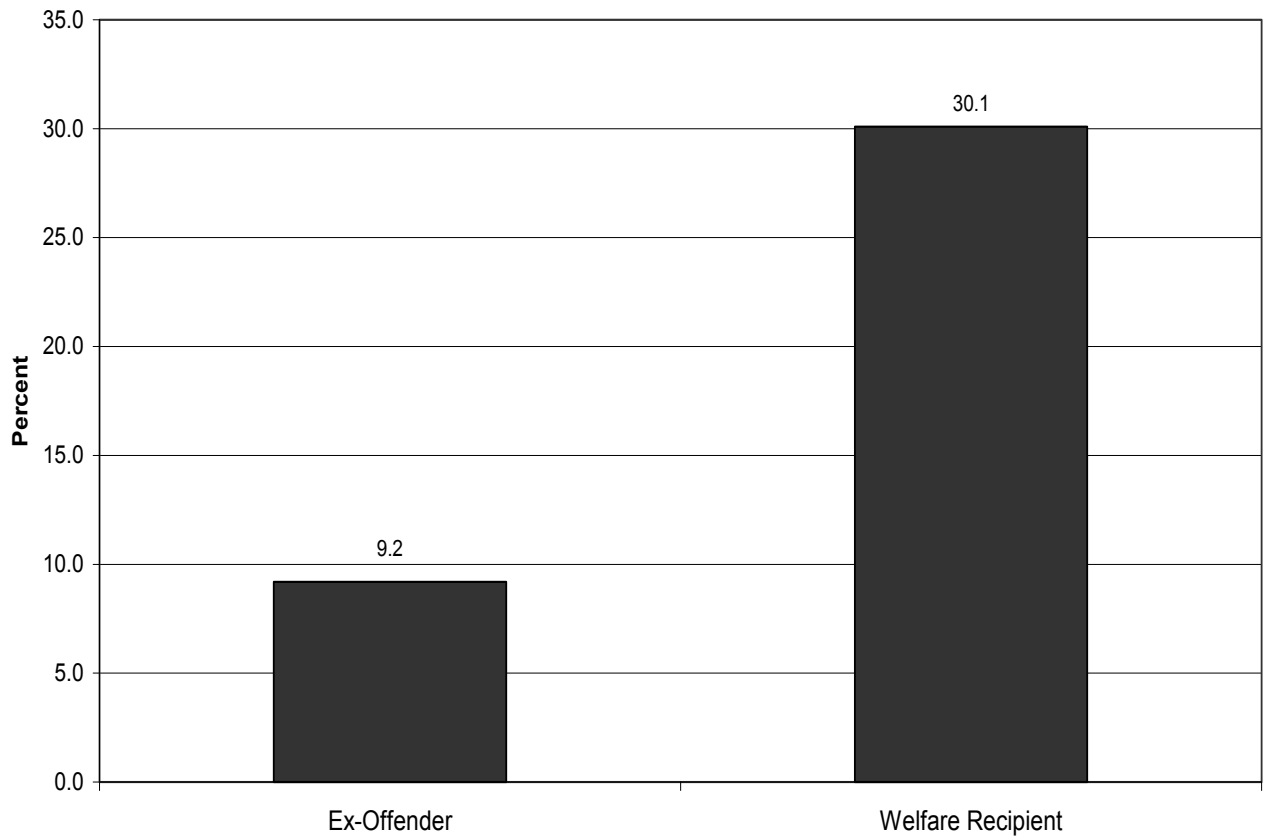


Figure 2
Percentage of Employers that Would Hire an Ex-Offender Within
Central City and Suburban Areas of Los Angeles, 2001

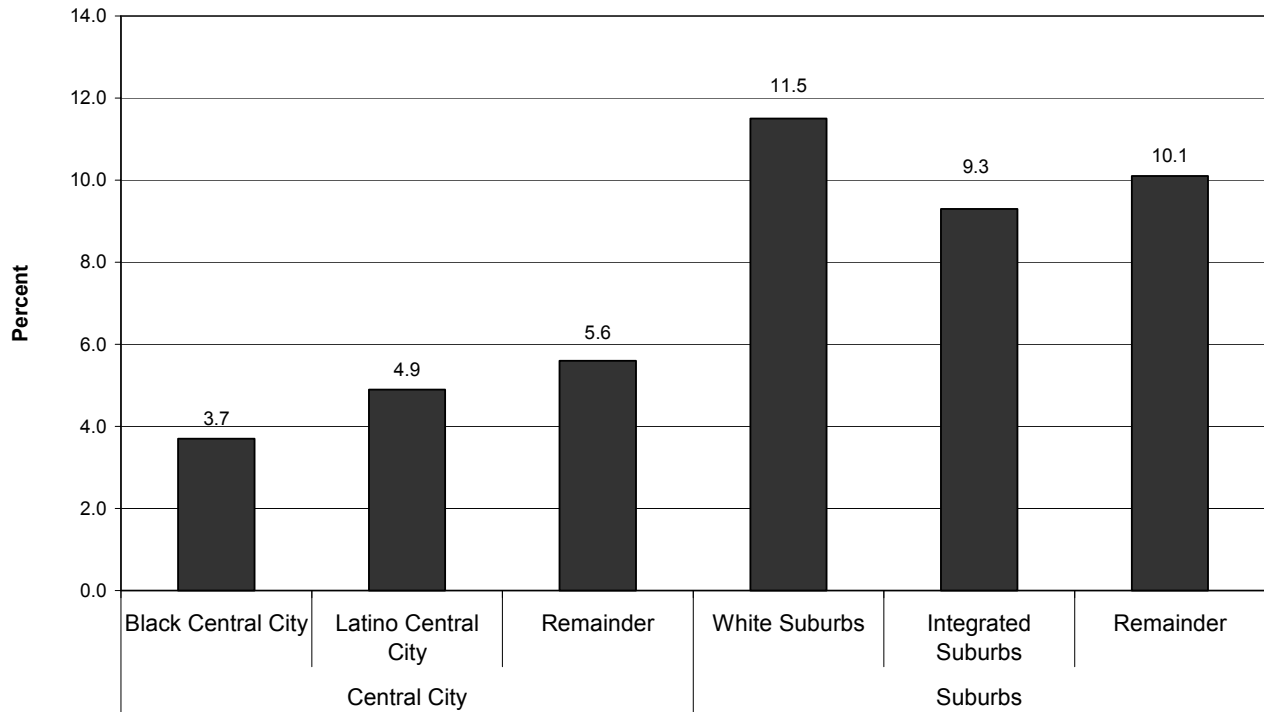


Figure 3
Percentage of Employers in Los Angeles that Always do Criminal Background Checks,
1992-94 and 2001

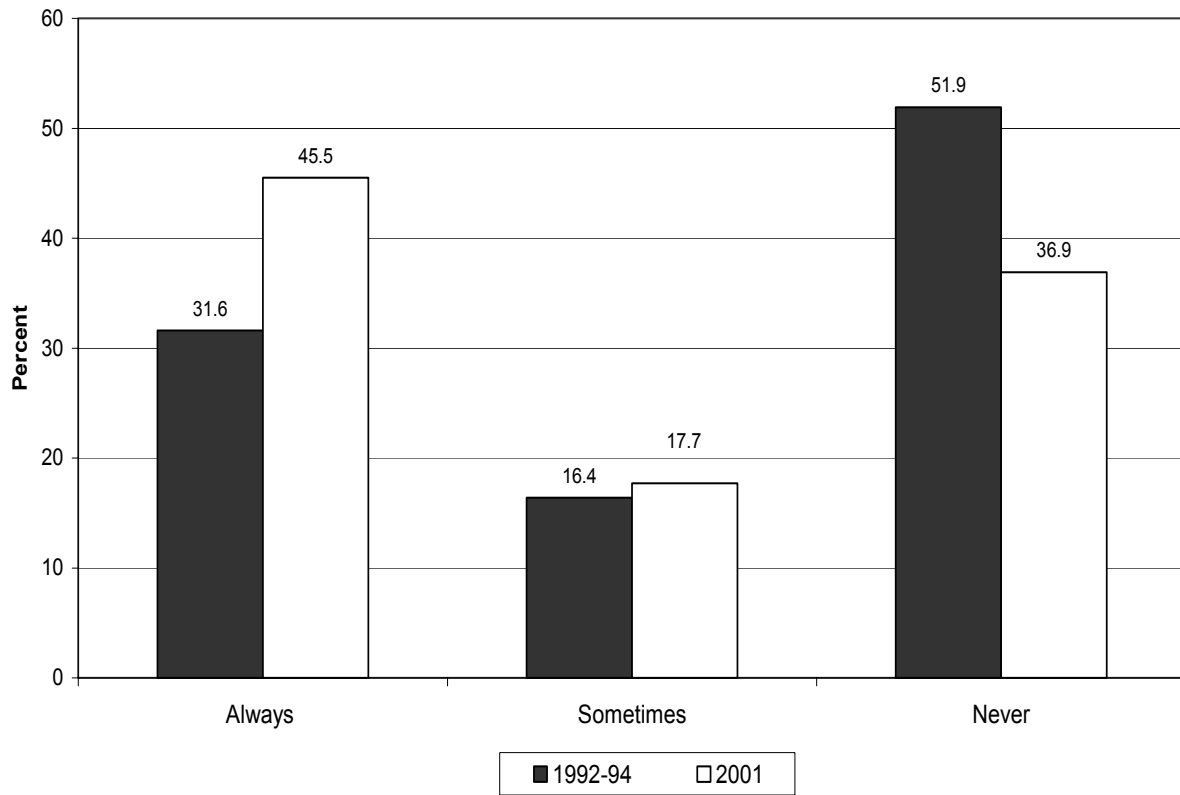


Figure 4
Percentage of Employers that Always Check Criminal Backgrounds Within
Central City and Suburban Areas of Los Angeles, 2001

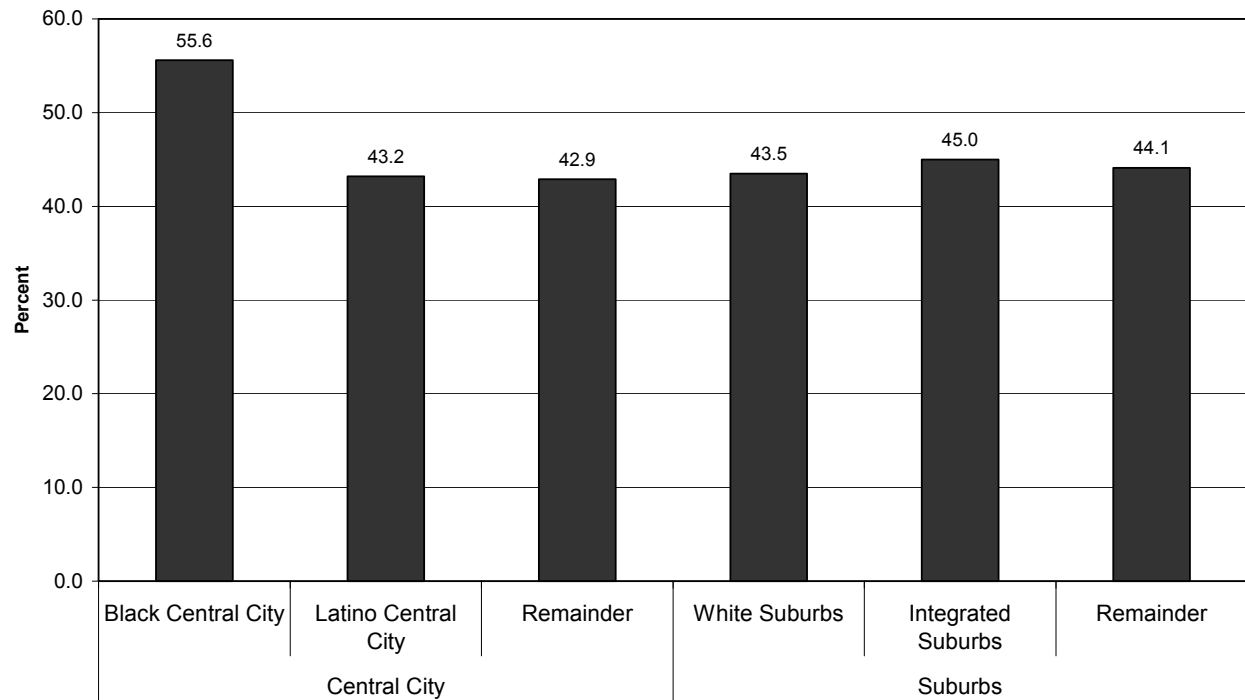


Figure 5
The Proportion of Recently Filled Jobs In Los Angeles Into Which Black Men and Women
Were Hired by Firm's Use of Background Checks, 2001

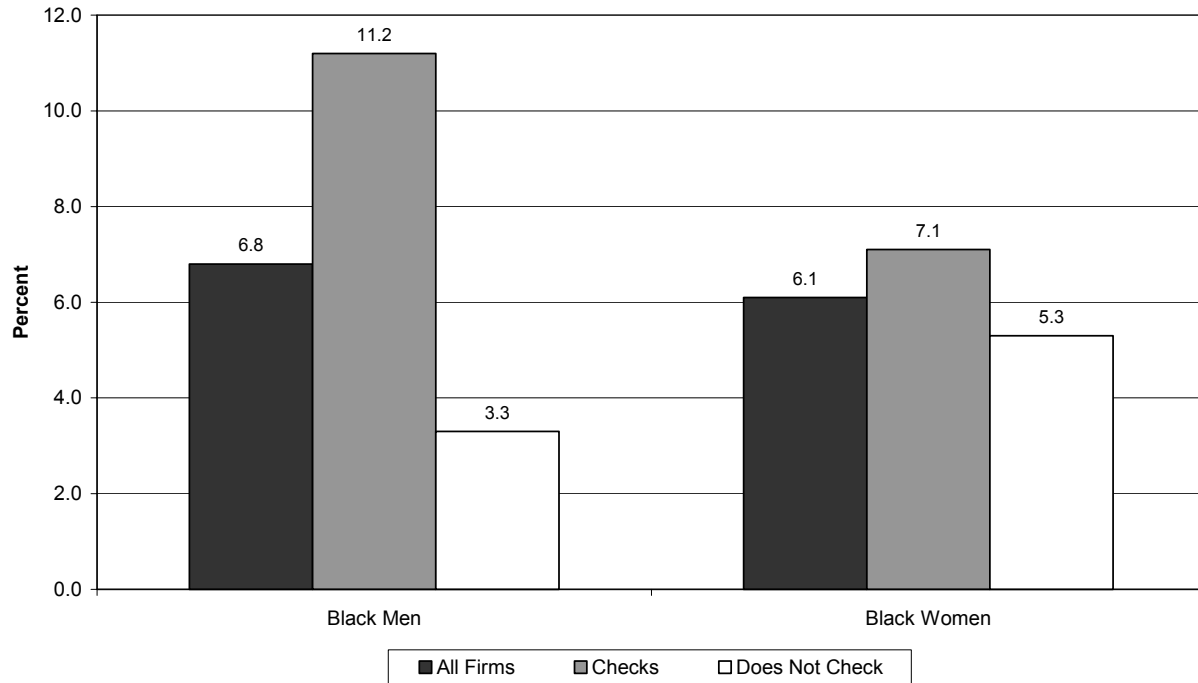


Table 1
Distributions of Jobs and People Across Central City and Suburban Areas of Los Angeles, 2001

	Central City			Suburbs			
	Black Central City	Latino Central City	Remainde	Integrate d	White Suburbs	Remainde	Total
All Jobs^a	5.4	13.2	9.6	26.4	43.7	1.8	607
Low-Skill Jobs^a	4.5	13.3	9.9	23.1	47.3	2.0	147
People^b (Age 20 to 65 Years Old)							
All People:							
Total	9.3	19.8	9.5	24.0	36.8	0.7	5,882,948
High School Dropouts:							
Total	13.7	31.6	12.1	21.2	20.9	0.5	2,174,589
Ratios of Jobs-to-People:							
All Jobs-to-All People	0.58	0.67	1.01	1.10	1.19	2.57	
Low Skill Jobs-to-All High School Dropouts	0.33	0.42	0.82	1.09	2.26	4.00	

Sources: ^a2001 Los Angeles Survey of Employers.

^b2000 *US Census*.

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Endnotes

¹ These data are reported from the Bureau of Justice Statistics (2001) and the U.S. Census Bureau (2001) for California.

² See Holzer, Raphael, and Stoll (2003) for a thorough description and discussion of our data.

³ See Stoll, Holzer and Ihlanfeldt (2000) for a definition of the boundaries of these areas.

⁴ Our 2001 Los Angeles Survey of Employers asked a series of questions about the hiring requirements (education, experience, and training) of and tasks involved in the last filled job in the firm. We use these questions to develop a definition of low-skill jobs. Following recent research, the low-skill job category presented in Table 1 is the union of jobs that involve no reading, writing, or math tasks and require no experience, training or high school diploma, and those that require no high school degree, experience or training.

⁵ This survey, called the Multi-City Employer Survey, was developed by Harry J. Holzer and successfully completed telephone interviews with 3,220 employers between 1992 and 1994 in four cities (approximately 800 per city): Atlanta, Boston, Detroit, and Los Angeles. Please see Holzer (1996) for a complete description and discussion of this survey.

⁶ For instance, companies, such as Pinkerton Security Services, provide criminal background checking services for as little as \$15.